

ERRATA SHEET

TENTATIVE ORDER NO. R9-2008-0140

The following revisions are proposed to tentative Order No. R9-2008-0140. Revisions in the following table are shown in underline/strikeout format to indicate added and removed language, respectively.

Errata #	Section	Revision
1.	Page 1, first paragraph	The opening paragraph will be revised as follows: The California Regional Water Quality Control Board, San Diego Region (Regional Board), having considered in a public meeting on November 12, 2008, evidence and comments <u>received</u> on the issuance of liability against the City of San Diego (City) regarding violations alleged in Early Conditional Early Settlement Offer No. R9-2008-0076, dated July 16, 2008 (Offer), having provided public notice thereof and not less than thirty (30) days for public comment, and on the recommendation for administrative assessment of Civil Liability in the amount of \$69,000 finds as follows:
2.	Page 3, Finding No. 5	Finding No. 5 will be revised as follows: 5. On July 16, 2008, the Regional Board sent Conditional Early Settlement Offer No. R9-2008-0076 to the City to settle <u>resolve</u> the 23 violations of Order No. R9-2003-0050 in Table 1 in the amount of sixty nine thousand dollars (\$69,000). The settlement offer <u>Offer</u> notified SOCWA <u>the City</u> that the 23 violations were subject to MMPs. The offer was sent in lieu of an Administrative Civil Liability Complaint to promote early settlement <u>resolution</u> of administrative enforcement actions for the 23 violations.
3.	Page 3, Finding No. 6	Finding No. 6 will be revised as follows: 6. On August 13, 2008, the City accepted the "Offer to Participate in Expedited Payment Program" and waived the right to a hearing before the Regional Board to dispute the allegations of violations described in Offer No. R9-2008-0076. <u>Thus, the City has agreed to pay the MMPs in full.</u>

Errata #	Section	Revision
4.	Page 3, Finding No. 7	<p>Finding 7 will be deleted. Factors in Water Code Section 13385(e) need not be considered when recovering mandatory minimum penalties:</p> <p>7. Liability in the amount of \$69,000 is based on consideration of the factors prescribed in CWC Section 13385(e) as applied to the allegations contained in Offer R9-2008-0076.</p>
7.	Page 4, Paragraph 2	<p>Directive No. 2 will be revised as follows:</p> <p>2. Fulfillment of the City's obligations under this Order constitutes full and final satisfaction of any and all liability for each Claim <u>allegation</u> in Offer R9-2008-0076.</p>
8	Page 4, Paragraph 3	<p>Directive No. 3 will be added as follows:</p> <p><u>3. The Executive Officer is authorized to refer this matter to the Office of the Attorney General for collection or other enforcement if the City of San Diego fails to comply with paragraph 1.</u></p>